

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Eng

February 18, 2011

An act to amend Section 8310.5 of, and to add Section 8310.7 to, the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as amended, Eng. State agencies: collection of demographic data.

Existing law requires any state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for each major Asian and Pacific Islander group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian.

This bill would revise and recast the specified categories. This bill would require a state agency, board, or commission that directly or by contract collects demographic data to include data on specified collection categories and tabulations in every demographic report on ancestry or ethnic origins of California residents that it publishes or releases on or after July 1, 2012.

This bill would require specified agencies to use additional separate collection categories and tabulations for other major Asian groups and Native Hawaiian and other Pacific Islander groups, including, but not

limited to, Asian Indian, Bangladeshi, Cambodian, Chinese, Filipino, Hmong, Indonesian, Japanese, Korean, Laotian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, Vietnamese, Fijian, Native Hawaiian, Guamanian (also known as Chamorro), Samoan, and Tongan. This bill would also require these agencies to update their data collection categories to match those used by the United States Census Bureau. This bill would further require these agencies to make the collected data available to the public, in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by requiring these state agencies, on or before July 1, 2012, to post, and annually update, the demographic data on their Internet Web sites.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:
3 (a) One-third of the nation's Asians and Pacific Islanders,
4 totaling 5.4 million people, live in California, making the state
5 home to more Asians and Pacific Islanders than any other state in
6 the nation.
7 (b) Asians and Pacific Islanders represent 15.5 percent of the
8 state's population, and grew by 33.6 percent from 2000 to 2010.
9 (c) Asians and Pacific Islanders are an incredibly diverse group.
10 Due to this diversity, the United States Office of Management and
11 Budget's Statistical Policy Directive No. 15, entitled Race and
12 Ethnic Standards for Federal Statistics and Administrative
13 Reporting, separated the "Asian and Pacific Islander" category
14 into two distinct and separate categories, now called "Asians" and
15 "Native Hawaiians and Other Pacific Islanders," and these two
16 distinct categories were used in the 2000 United States Census.
17 The United States Census Bureau currently reports data for more
18 than 20 different ethnicities within these two categories.
19 (d) While Asians and Pacific Islanders are often misrepresented
20 as a homogeneous group, they are an extremely diverse group,
21 with ethnicities from over 30 different countries. Although Asian
22 and Pacific Islander communities in this state share geographical
23 and cultural commonalities, they also experience diverse social,

1 educational, health, and economic differences that are unique to
2 their respective communities.

3 (e) Existing state law requires state demographic data to be
4 collected for Asian and some Native Hawaiian and Pacific Islander
5 ethnic groups. However, additional ethnic groups reported by the
6 United States Census Bureau are not included that reflect changing
7 demographics and intrastate migration patterns. Most state agencies
8 are currently not in compliance with existing state law or have not
9 made the collected data accessible. Data should be updated on a
10 regular basis and made accessible to the public so that regional
11 and local governments, elected officials, decisionmakers, and other
12 stakeholders can use the information to strategically target
13 programs for those most in need.

14 (f) Given the diversity of languages and cultures, separating
15 data for additional Asian and additional Native Hawaiian and
16 Pacific Islander ethnic groups and making the data publicly
17 accessible are critical for enhancing our state's understanding of
18 the needs and experiences of these different communities.

19 SEC. 2. Section 8310.5 of the Government Code is amended
20 to read:

21 8310.5. (a) A state agency, board, or commission that directly
22 or by contract collects demographic data as to the ancestry or ethnic
23 origin of Californians shall use separate collection categories and
24 tabulations for each major Asian group, including, but not limited
25 to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian,
26 Laotian, and Cambodian, and each major Native Hawaiian and
27 Pacific Islander group, including, but not limited to, Native
28 Hawaiian, Guamanian (also known as Chamorro), and Samoan.

29 (b) The data collected pursuant to the different collection
30 categories and tabulations described in subdivision (a) shall be
31 included in every demographic report on ancestry or ethnic origins
32 of Californians by the state agency, board, or commission published
33 or released on or after July 1, 2012. The data shall be made
34 available to the public in accordance with state and federal law,
35 except for personal identifying information, which shall be deemed
36 confidential.

37 SEC. 3. Section 8310.7 is added to the Government Code, to
38 read:

39 8310.7. (a) In addition to the duties imposed under Section
40 8310.5, the following state agencies, in the course of collecting

1 demographic data directly or by contract as to the ancestry or ethnic
2 origin of California residents, shall collect and tabulate data for
3 additional major Asian groups, including, but not limited to,
4 Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri
5 Lankan, Taiwanese, and Thai, and additional major Native
6 Hawaiian and other Pacific Islander groups, including, but not
7 limited to, Fijian and Tongan:

8 (1) The State Department of Health Care Services.

9 (2) The State Department of Public Health.

10 (3) The Department of Industrial Relations.

11 (4) The Department of Fair Employment and Housing.

12 (b) The state agencies identified in subdivision (a) shall make
13 any data collected pursuant to subdivision (a) publicly available,
14 except for personal identifying information, which shall be deemed
15 confidential, by posting the data on the Internet Web site of the
16 agency on or before July 1, 2012, and annually thereafter. This
17 subdivision shall not be construed to prevent any other state agency
18 from posting data collected pursuant to subdivision (a) on the
19 agency's Internet Web site, in the manner prescribed by this
20 section.

21 (c) The state agencies identified in subdivision (a) shall, within
22 18 months after the ~~United States Census~~ *decennial United States*
23 *Census for the year 2020* is released to the public, update their
24 data collection to reflect the additional Asian groups and additional
25 Native Hawaiian and Pacific Islander groups as they are reported
26 by the United States Census Bureau.